

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHANNING EDER,

Defendant.

CR-08-123-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 14, 2019. (Doc. 57.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held August 13, 2019. (Doc 56.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 13, 2019. (Doc. 56.) The United States accused Mr. Eder of violating his conditions of supervised release by: 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; 3) by using methamphetamine on two separate occasions; 4) by committing another crime; 5) by consuming alcohol; and 6) by knowingly communicating with a convicted felon. (Doc. 56.) The government did not proceed with alleged violations 5, 6 and 7 and the Court found the government did not meet the burden of proof as to violations 5, 6 and 7. Judge Johnston found that the violations that Eder admitted are serious and warrant revocation, and recommended a sentence of four months in custody, with 36 months of supervised release to follow with the first sixty days of supervised release at an inpatient treatment facility. (Doc. 57 at 4.)

These violations prove serious and warrant revocation of Eder's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 57) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Channing Eder be sentenced to custody to four months, with thirty six months of supervised release to follow with the first 60 days of supervised release at a similar inpatient treatment facility.

DATED this 27th day of August, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge